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COMMISSION ON HUMAN RIGHTS

First Special Session

SUMMARY RECORD OF THE 2nd MEETING
(SECOND PART*)

Held at the Palais des Nations, Geneva,
on Thursday, 13 August 1992, at 3 p.m.

Chairman: Mr.SOLT (Hungary)

CONTENTS

Letter dated 5 August 1992 from the Permanent Representative of the United States of America to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (continued)

* The summary record of the first part of the meeting appears as document E/CN.4/1992/S-1/SR.2.

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LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER SECRETARY-GENERAL FOR HUMAN RIGHTS (agenda item 3) (continued)

1. Mr. SKOGMO (Observer for Norway) said that the massive violations of basic human rights and humanitarian law in the former Yugoslavia fully warranted the convening of a special session of the Commission. The reported concentration of civilians in detention camps by local Serbian authorities and the practice of "ethnic cleansing" were all too reminiscent of past crimes. Norway condemned all attempts to change the ethnic composition of whole areas by the use or threat of force. The Commission must unequivocally state that such policies and practices were unacceptable.

2. The immediate task must be to set up fact-finding, reporting and deterrent mechanisms. Norway was co-sponsoring the proposed draft resolution, which rightly confirmed that persons who committed or ordered the commission of crimes under international law were individually responsible for such acts, and that States were to be held accountable for violations of human rights which their agents committed upon the territory of another State. Another key principle of international law should be borne in mind, namely, the obligation of States to prosecute and punish persons who had committed war crimes.

3. Those principles must be given an operative content through the mandate conferred on the proposed special rapporteur. The provision requesting the special rapporteur to gather and compile systematically information on possible war crimes and violations of basic human rights and/or humanitarian law was particularly significant as a warning to potential violators. The international community should immediately start considering an appropriate legal framework for criminal proceedings against such violators. The special rapporteur should be asked to recommend action to prevent future violations. The deployment of international observers in areas where human rights violations occurred or might occur could act as an important deterrent. Norway had also proposed the deployment of international observers in Kosovo and Macedonia.

4. The message to come out of the current session must be that all violations of international human rights instruments must stop immediately and that the perpetrators of such violations must be brought to justice. States and persons using children, women and innocent civilians as pawns to achieve political aims could not escape accountability.

5. Mr. AMNEUS (Observer for Sweden) said that, faced with the tragic situation in the former Yugoslavia, the gross violations of human rights and fundamental freedoms, the burden of human suffering borne primarily by defenceless civilians, and the breakdown of law and order and the social fabric, the Commission should not apportion blame, but should point out and condemn human rights violations and, through its established mechanisms, try to put an end to those violations and prevent them from spreading. History would judge severely those political and military leaders who pursued their own ambitions at the expense of the vast majority of citizens without respect for human rights and international law.

6. Referring to other international efforts to resolve the crisis, including those of the European Community and the Conference on Security and Cooperation in Europe (CSCE), he welcomed the convening of the Commission in special session. The Swedish Government and people shared the suffering of the victims and supported the measures outlined in the proposed draft resolution. That text commendably addressed the questions of States' accountability and individuals' responsibility under international law and initiated the compilation of information on possible human rights violations, including war crimes, for possible future use in prosecuting the violators. The active involvement of the Commission, through a special rapporteur appointed by the Chairman, was vital and urgent.

7. Monsignor PIERRE (Observer for the Holy See) said that Pope John Paul II had repeatedly condemned the many violations of human rights and breaches of the principles of international law and humanitarian law in the territories of the former Yugoslavia. The Holy See called on the international community to take action to ensure that peace was restored in Bosnia and Herzegovina and that the conflicts in that country were resolved through dialogue.

8. Pope John Paul II had, only a few days previously, expressed his indignation at the atrocities committed in Bosnia and Herzegovina. The fact that humanitarian assistance was prevented from reaching the victims, the forcible mass deportation of civilians on grounds of ethnic origin, and the existence of detention camps in which the detainees were held in inhuman conditions were totally unacceptable. The veracity of the reports about massacres, torture and other human rights violations against Catholics and Muslims was attested by reliable information in the possession of the Holy See, provided, inter alia, by the Archbishop of Zagreb.

9. The Holy See protested vigorously against attacks on the civilian population and hostage-taking by irregular gangs, with the support of external forces, in the sovereign, independent State of Bosnia and Herzegovina. It consequently welcomed the convening of a special session of the Commission and the initiatives taken by various international bodies. It urged the Commission to condemn in the strongest terms such violations of human rights, and in particular of freedom of conscience. Those responsible for the atrocities must be identified so that States and the international organizations could exert the necessary pressure to ensure that they could do no further harm. Humanitarian assistance must reach those who needed it, and the Catholic Church and its charitable organizations would make their contribution in that regard. The deportations must cease and the thousands of refugees, who must be assisted in their exile, must be able to return home without delay. The horror of the detention camps must cease immediately. The Holy See appealed to the parties involved to overcome their differences and enter into a dialogue.

10. Mr. ZAHRAN (Observer for Egypt), welcoming the convening of a special session, said that the Commission, representing as it did the conscience of the international community, must adopt a decisive position against the subjection of the people of Bosnia and Herzegovina to massive human rights violations, including genocide. Such criminal acts were part and parcel of a deliberate policy of "ethnic and religious cleansing" motivated by an unlawful Serbian expansionist scheme. Any serious and credible action by the

international community must be based on the identification of the aggressors and the victims. The Government in Belgrade and its Serbian militia in Bosnia and Herzegovina bore unequivocal responsibility for the violations, and the people of Bosnia and Herzegovina, especially the Muslims, were clearly the victims. The acts perpetrated by the authorities in Belgrade and the Serbian leadership in Bosnia and Herzegovina constituted a form of State terrorism that must be condemned by the international community, and were a clear violation of international instruments and the rules of international humanitarian law.

11. Action must be taken immediately, failing which the State and people of Bosnia and Herzegovina might cease to have an independent existence and the expansionist scheme might be irretrievably accomplished. Such immediate action should include: putting an end to the hostilities, killings, terrorism and torture, and ensuring the arrival of all food and medical supplies, even if that entailed the use of military force; ensuring the return of refugees and displaced persons to their homes, disregarding pledges renouncing ownership which they had been forced to sign; ensuring access by ICRC representatives to all detention camps in the former Yugoslavia and ensuring the humane treatment of detainees until their release; and punishing those responsible for such crimes against humanity and holding the State which supported such crimes fully responsible for its actions.

12. Egypt endorsed Security Council resolutions 757, 758 and 764 and the statement by the President of the Security Council on 4 August 1992 concerning the concentration camps and violations of human rights. Egypt, which had already participated in the United Nations Protection Force (UNPROFOR), reiterated its readiness to take part in any United Nations peace-keeping force in Bosnia and Herzegovina, to extend humanitarian assistance and to ensure that such aid reached the victims of the conflict.

13. The political causes of the current tragic situation in Bosnia and Herzegovina must be addressed. The Government in Belgrade had violated the sovereignty and territorial integrity of the independent Republic of Bosnia and Herzegovina and the exercise by its people of its right to self-determination in accordance with the Charter of the United Nations. Egypt supported the resolutions adopted in recent months by meetings of Islamic Heads of State and foreign ministers, and had set out its position in a letter to the Secretary-General of the United Nations in July 1992. It accordingly called upon the international community: to take all necessary steps to put an end to all practices designed by the Government in Belgrade to expel the inhabitants of Bosnia and Herzegovina and change its demographic composition; to implement the measures provided for under Chapter VII of the Charter of the United Nations, including Article 42; to decline recognition of the Government of Yugoslavia (Serbia and Montenegro) as the former Yugoslavia's successor and of its right to occupy its seat in the United Nations and other international and regional organizations and gatherings, including those of the Movement of Non-Aligned Countries; to reaffirm the need to respect the territorial sovereignty of the Republic of Bosnia and Herzegovina and the right of its people to self-determination; to ensure the right of refugees and displaced persons to return to their homeland, and to reject all resettlement plans and the policy of "ethnic cleansing"; and to reaffirm the right of Bosnia and Herzegovina to act in

self-defence in accordance with the provisions of Article 51 of the Charter and to be exempted from the provisions of Security Council resolution 713 (1991) concerning the embargo on arms shipments.

14. Mr. NORDMANN (Observer for Switzerland) said that the convening of a special session of the Commission on the human rights situation in the former Yugoslavia could bring about a new awareness and thus expedite a political solution to the conflict. Switzerland reiterated the appeal it had made at the recent Geneva conference on humanitarian aid for compliance with humanitarian law and with the Geneva Conventions and Additional Protocols.

15. The constant, massive and flagrant violations of international humanitarian law and human rights must cease, as must the deliberate attacks on civilians, the deportations, terror, rape, random shooting and detention of innocent persons in concentration camps. The camps must be closed. Prisoners must be treated humanely, and the Red Cross and United Nations emblems must be respected. He paid tribute to those who had already risked their lives to bring humanitarian assistance to the victims of the war. Switzerland, which had constantly proposed solutions to the problem of ethnic, religious and linguistic minorities consistent with the context of Yugoslavia, particularly within CSCE, vigorously condemned the systematic, abhorrent policy of "ethnic cleansing" in Bosnia and Herzegovina which was the very purpose of the war. The international community must put an end to the atrocities being committed and prevent the conflict and violence from spreading to as yet unaffected regions such as Kosovo. The Commission must play its part at its current session.

16. Switzerland supported the draft resolution, which met three major concerns: calling for respect for human rights and humanitarian law and, in particular, demanding free access by ICRC to all places of detention; appointing a special rapporteur to establish the facts so as to bring the violations to an end and identify those responsible so that they might ultimately be prosecuted; and complementing the action of various bodies, including CSCE, to protect human rights in the former Yugoslavia and promoting constructive solutions to the conflict. Switzerland was fully prepared to cooperate with the Commission and its special rapporteur and had therefore co-sponsored the draft resolution.

17. Mr. SAMPOVAARA (Observer for Finland) said that his Government fully endorsed the decision to hold a special session of the Commission. The continuing violence in the territory of the former Yugoslavia called for condemnation and for immediate action to stop the war and human suffering and prevent an extension of the conflict. The background to the crisis was very complex, with the Serbs initiating the violence and the policy and practice of "ethnic cleansing" and the other ethnic groups contributing to the worsening of the situation.

18. His Government condemned in the strongest possible terms the practice of "ethnic cleansing", as well as all the other widely reported, horrifying breaches of basic human rights and humanitarian law. The former Yugoslavia had been a party to the principal international human rights instruments. The authorities concerned were bound by their obligations under those instruments, by international humanitarian law and by the Geneva Conventions. Immediate

action was needed to stop the atrocities. ICRC must be granted immediate, unimpeded and continuous access to all camps and places of detention within the territory of the former Yugoslavia and be ensured full safety and freedom of movement. Detention camps must be disbanded and all persons arbitrarily deprived of their freedom, both inside and outside the camps, must be released with effective guarantees for their safety.

19. Finland supported the proposed appointment of a special rapporteur to investigate the human rights situation, in cooperation with the existing mechanisms of the Commission. On the basis of the findings and recommendations of the special rapporteur, the Security Council, the General Assembly and the Commission should consider all necessary action to end the human rights violations.

20. Finland fully supported the efforts already made to find a political solution to the conflict, particularly the mediation efforts of the European Community, the recent strengthening of the role of CSCE and its establishment of a High Commissioner on National Minorities responsible, inter alia, for conflict prevention, and the relevant Security Council resolutions. Concerted action was required to resolve current crises and monitor the situation of affected populations. Respect for human rights and international humanitarian law must be an integral part of the solution, and preventive steps were vital to avoid further escalation.

21. The current crisis in the territory of the former Yugoslavia demonstrated the inadequacy of the Commission's ability to react to emergency situations of human rights abuse, and the need for a new United Nations mechanism for that purpose. Finland hoped that tangible results could be achieved at the Commission's next session. That crisis had also highlighted the need for the international community to address the question of the effective protection of the human rights of displaced persons and create a necessary mechanism to do so, and the question of establishing standards applicable to public emergencies, internal disturbances and other situations in the "grey zone" between humanitarian law and human rights instruments. An example of work already done in that area was the Turku Declaration of 1990 on minimum humanitarian standards.

22. The disintegration of Yugoslavia had resulted in the most serious refugee crisis in Europe since the Second World War, and UNHCR and the other humanitarian organizations were to be commended for their action in that connection. It was to be hoped that the current activities would facilitate the early voluntary return of refugees and displaced persons.

23. The restoration of peace and stability and of respect for human rights in the former Yugoslavia was vital to the continuation of the democratic process in Europe. Condemnation of the situation there should serve as a signal to other Governments that "ethnic cleansing" was not, and never would be, accepted by the international community. His Government firmly supported the proposed draft resolution.

24. Mr. SEMICHI (Observer for Algeria) said that the convening of the First Special Session was a timely and appropriate initiative amply justified by the scale of the repression against the population of Bosnia and Herzegovina, repression which was part of a design to exterminate the Muslim component of the population. The widely documented criminal practices, including the detention camps so reminiscent of a tragic period in the history of mankind, must be denounced.

25. The holding of a special session constituted a precedent which strengthened the role of the Commission and its capacity for promoting the protection of the basic interests of all victims of oppression and repression throughout the world. His delegation regretted that the Commission had been unable to meet a few weeks earlier in order to consider the dramatic situation in the occupied territories, as the Arab States had requested.

26. It was already too late to save Sarajevo, once a proud example of coexistence among different ethnic groups, religions and traditions. The demographic balance had been destroyed, the tradition of tolerance shattered and a whole culture wiped out. Muslims had been humiliated just because they were Muslims. The leadership of Serbia, pursuing hegemonic ambitions, was clearly responsible for the chaos. Its ideology, based on "ethnic cleansing", was reminiscent of fascist or Nazi aspirations and was contrary to universal ethics and the principles underlying the Charter of the United Nations and the Universal Declaration of Human Rights. The response of the international community must be unfaltering. A firm message must be sent by the Commission, which must continue to be the major instrument for ensuring the preservation of the dignity and beliefs of the Bosnian people as it sought to ensure its independence and organize its own self-defence against the forcible transformation of its demographic composition. Like the Organization of the Islamic Conference, which had recently adopted a resolution to that effect, the rest of the international community must support the Bosnian people's legitimate struggle for independence by standing up to the proponents of Greater Serbia.

27. Mr. DEMBINSKI (Observer for Poland) said that since the very beginning of the conflict, and notably in an urgent message addressed on 2 June 1992 to the Governments of the Republics of Bosnia and Herzegovina, Serbia and Croatia, Poland had stressed the need to observe all the norms of international humanitarian law, in particular those contained in the Geneva Conventions and the Additional Protocols thereto. It had also emphasized the great importance of humanitarian aid to Bosnia and Herzegovina and of ICRC actions there, and had appealed to all interested parties to participate in those actions. The armed conflict in Bosnia and Herzegovina was continuing, however, and there was no indication that the parties involved were willing or able to put an end to the fratricidal fighting. The policy of "ethnic cleansing" was being applied on a large scale, in flagrant violation of universally recognized human rights.

28. Poland was bound by a long-standing friendship with the people of the former Yugoslavia and supported all efforts for the restoration of peace and respect for human rights in that region including those undertaken by various United Nations bodies, CSCE and the European Communities, ICRC and other

non-governmental organizations. His country was participating in those efforts and associated itself with all countries requesting an immediate stop to the hostilities and to any foreign intervention. Humanitarian aid must reach those who needed it and any action in that direction by the international community consistent with the Charter of the United Nations would have Poland's unreserved support. In addition to maintaining the presence of UNPROFOR, the international community should spare no effort to safeguard the threatened statehood and sovereignty of Bosnia and Herzegovina.

29. His Government welcomed the United States initiative to hold the Special Session of the Commission, which should deal with all human rights aspects of the conflict. A particularly urgent task was the examination of alleged human rights violations in detention camps in the territory of Bosnia and Herzegovina. International and humanitarian organizations, especially ICRC, should be granted unrestricted access to all places of detention. The camps must be disbanded, and both prisoners of war and civilians set free. Poland wished to remind all oppressors that they would bear full criminal responsibility for violations of international law relating to armed conflicts.

30. Although frustrated by the failure of many of the initiatives concerning the former Yugoslavia, the international community must not abandon hope. All possible efforts must be made to assist victims and lend support to people of good will and institutions acting to promote human rights and peace.

31. The international community should try to draw conclusions for the future from the current situation, especially on how to prevent gross human rights violations, how to organize enforcement of human rights and what kind of emergency mechanism should be set up to deal with such cases. In that context, he wished to refer to the Austrian proposal submitted at the Commission's latest regular session. His country was ready to cooperate closely with the United Nations system for the restoration of respect for human rights and peace in Bosnia and Herzegovina and to join in efforts enabling the Commission to react rapidly and effectively in emergencies involving human rights violations.

32. Mr. BISLEY (Observer for New Zealand) said it was important that the Commission should act speedily in response to the tragedy in the former Yugoslavia. The statements made by Governments and organs of the international community with direct experience of the events in Bosnia and Herzegovina and other parts of the region constituted a litany of human rights abuse. His delegation had been particularly struck by the point made by the Deputy High Commissioner for Refugees that displacement was the goal, not just the result, of the war. "Ethnic cleansing" was a horrifying concept involving systematic expulsion, forcible relocations, assassinations and other forms of persecution aimed at persons for no other reason but their national, ethnic or religious origin. So far, moreover, the perpetrators seemed to have acted with impunity.

33. There were, in essence, three requirements for action by the international community: to bring the conflict and atrocities to an end; to deal with human rights abuses and provide protection; and to supply humanitarian aid.

34. New Zealand wished to play its part in support of United Nations and ICRC efforts. It had provided personnel for the UNPROFOR operation and had announced that it would immediately donate $NZ 100,000 to ICRC and UNICEF. With regard to the massive flows of refugees and the vast number of internally displaced persons, assistance should be targeted to those suffering the most. The best solution was to recreate the conditions in which those people could return to their homes in safety and dignity. If, however, that was not a realistic option in some cases, and UNHCR sought assistance from the international community, New Zealand would do its best to resettle some refugees.

35. The purpose of the Special Session was to leave all parties responsible for violations of human rights and international humanitarian law in the states of the former Yugoslavia in no doubt that their actions would not be tolerated by the world community. The Commission must also decide what were the most effective and speedy means to investigate reports of atrocities and prevent future abuses. Clearly, its existing thematic mechanisms, which all had approved mandates and a proven record, were well suited for the task in the former Yugoslavia. His country furthermore supported the appointment of a special rapporteur, who should visit the States concerned, investigate the alleged violations and report to the Commission with recommendations on future action. The Security Council should also be informed of the special rapporteur's findings. New Zealand would co-sponsor a resolution to initiate speedy and effective action on those pressing human rights questions.

36. Mrs. MUTUTINOVIC (World Movement of Mothers), speaking also as a representative of the Mothers for Peace movement from Croatia, said that in addressing the Special Session she wished to reiterate questions put to the Commission many months earlier. Why had there been no response to her organization's appeal for the protection of the right to life when young Croatian conscripts had been sent by Yugoslav People's Army commanders to wage war against their own families and when boys from Croatia, Kosovo, Macedonia, Bosnia and Vojvodina had been used as human shields by the unscrupulous Serbian generals? Why had no one protected the innocent lives of babies and patients in hospitals all over Croatia who had become deliberate targets of Serbian planes and artillery? Why had no one heeded warnings of systematic devastation of the Croatian cultural heritage, with the result that as many as 439 sacred buildings, 187 historic villages and 47 old towns of Croatia had been totally or partially destroyed by Serbian military forces? Why had it not been recognized that over 500 Croatian villages had been plundered and destroyed, forcing over 700,000 Croatians to flee from their homes? Why had no one stopped the brutal Serbian aggressors who had kept the town of Vukovar under siege for four months and had shot hundreds of its citizens and sent thousands to concentration camps in Serbia?

37. All those crimes and violations of international law had been planned by known Serbian generals and ordered by known Serbian leaders. Similar crimes

were now being ordered and carried out in Bosnia and Herzegovina and might soon take place in Kosovo or further afield. The United Nations had a responsibility finally to put an end to those crimes.

38. Mr. GOTTLICHER (International Educational Development) said that there was no more time for listing all the gross violations of fundamental human rights that Serbian and Montenegran aggressors had committed in Croatia and in Bosnia and Herzegovina. The merciless aggressors were prepared to carry out the same crimes in Kosovo, Sandjak and Vojvodina if they saw that the international community remained indecisive. The world had already hesitated too long. Economic sanctions had not proven successful and the aggression was continuing.

39. As a result of the reported crimes against Croatians and Muslims, there were more than 2.5 million refugees and forcibly displaced persons, most of them women, children, and old and sick people. Many of them were living in tents and winter was coming soon. They lacked food and clothes and had no prospect of returning to their homes. Another part of that terrible process of "ethnic cleansing" was the many detention places, predominantly for Croatians and Muslims, some of which were being run like Nazi death camps. It must be emphasized that most of the inmates had not been seized in direct military confrontations. Capturing women, children, the old and the sick and holding them in military detention centres represented one of the most blatant breaches of the Geneva Conventions.

40. The international community must act in accordance with its responsibility to mankind and history. The Commission should adopt a resolution permitting the use of force, if necessary, to open the reported death camps, as well as to protect humanitarian aid supplies. In addition, the Security Council should be requested immediately to ensure strict control over the heavy artillery of the opposing parties in Bosnia and Herzegovina. That was the only way to stop the escalation of the war in the former Yugoslavia.

41. Mr. CASTRO (Commission of the Churches on International Affairs of the World Council of Churches), speaking also on behalf of the Conference of European Churches, said that the bitter battle raging in Bosnia and Herzegovina was extremely complex and brutal, with rival claims to the territory escalating the violence. According to reports received by the World Council of Churches from various church sources, well-armed Serbian operations aimed at "ethnic cleansing" were being accompanied by the establishment of many camps where Croatian and Muslim victims were humiliated, tortured and murdered daily. Those who had been able to escape or leave in exchanges of prisoners had told of inmates being kept without food or water, systematic beatings, sadistic torture and shooting of victims, as well as rape of women and girls. Tragically, too, there were similar reports from Serbian church sources of equally brutal treatment of Serbian prisoners by Muslims and Croatians in detention camps and torture chambers at many locations, containing an estimated 35,000 to 40,000 Serbs, mainly women, children and elderly people.

42. There was an alarming lack of concern for basic human rights on the part of many of the protagonists, who were not even fighting a conventional war. The adversary was being reduced to a mere factor to be removed, an obstacle to ideological pretensions, and the cold-blooded perpetration of brutalities was being allowed to continue. The world community and the relevant institutions, including church organizations, had thus far been unable or unwilling to address the issues with any effectiveness. The priorities of the United Nations, and of the Commission in particular, must be to protect human rights and prevent an escalation of the conflict. It would be a calamity if, because of indecisiveness, military intervention became easier to justify as a means of responding to the human drama.

43. The World Council of Churches addressed a strong appeal to all those involved to respect basic human rights. It urged the Commission to initiate a full, systematic and impartial investigation of the detention camps and called for action in accordance with international law that would seek not only to correct the flagrant violations of human rights now occurring but also to promote political solutions to end the conflict by peaceful means. It was ready to give every possible assistance to the Commission in accomplishing those aims and would continue to seek to bring together all religious bodies in the region - Christian and others - in order to remove religious passion from the conflict. The contacts already established should be used and strengthened in pursuit of the peaceful solution that was so urgently needed.

44. Ms. CRAMER (International Progress Organization) said that her organization followed with grave concern the policy of expulsion and genocide being systematically pursued by Serbian forces and militias against the people of Bosnia and Herzegovina. The brutal military aggression not only constituted a violation of the sovereignty and territorial integrity of a recognized State Member of the United Nations but was accompanied by unimaginable atrocities. The underlying scheme seemed to be a strategy of expulsion of the native population and of "ethnic cleansing" of large areas. According to recent information, 94 concentration camps and prisons had been set up by Serbian forces in the territory of Bosnia and Herzegovina and 11 more such camps in Serbia and Montenegro. There were indications that in several of those camps killings and torture were taking place regularly.

45. Her organization strongly condemned the racial policy of genocide committed against a whole people, and in particular against the Muslim community, and called for decisive international action under Chapter VII of the United Nations Charter to put an end to the systematic negation of their most basic human rights. In that context, the new concept of "humanitarian intervention" had a particular relevance. Inaction on the part of the United Nations would be tantamount to a policy of double standards which would impair the credibility of a world organization committed to collective security.

46. Her organization furthermore called for the establishment of an international committee of investigation within the framework of the United Nations to trace all those commanders and individuals responsible for war crimes and crimes against humanity in Bosnia and Herzegovina.

47. Humanitarian aid under present circumstances was important, but not enough. The cause of the systematic human rights violations and genocide, namely, the aggression by Serbian forces and militias, must be eliminated. The world community should have learned the lessons of history. The expulsion of the native Muslim population from Bosnia and Herzegovina could only be compared with the fate of the Jewish population in Europe during the Second World War and of the Arab people of Palestine after 1948.

48. Her organization sincerely hoped that the Commission would report immediately to the General Assembly and the Security Council of the United Nations and recommend appropriate measures to protect the population of Bosnia and Herzegovina and stop the gross violations of human rights. Massacres, "ethnic cleansing" and acquisition of territory by force must not be tolerated.

49. Ms. SCHERER (Amnesty International) welcomed the convening of the Special Session and hoped that it would mark an important step forward in enabling the Commission to address grave human rights situations rapidly and effectively wherever they might occur.

50. Amnesty International had issued reports in November 1991 and March 1992 documenting widespread abuses committed by the Yugoslav National Army, Croatian security forces and Serbian paramilitaries before the cease-fire in Croatia, including arbitrary arrests and deliberate killing of unarmed civilians, and the torture and ill-treatment of prisoners. It had expressed its deep concern about recent reports of large-scale human rights abuses taking place in Bosnia and Herzegovina and was continuing its investigations into specific cases.

51. Her organization considered that the Commission should urgently dispatch a fact-finding mission to the region with a mandate to investigate thoroughly reported abuses committed by all parties in the conflict - both inside and outside detention centres. The fact-finders should be independent and have proven expertise in on-site human rights investigation. The Commission could very usefully draw on the combined expertise of its own thematic mechanisms. Furthermore, the fact-finders should be provided with all necessary medical, forensic and other technical support, and must enjoy complete freedom of movement and unrestricted access to places of detention and have the right to speak in private with anyone they wished, with assurances that there would be no reprisals against people who provided information to them. They should issue a public report within a short time-frame for urgent consideration by the Commission, at a resumption of its Special Session, to determine follow-up action.

52. The Commission's responsibility however, should not, end there. Essential ongoing monitoring could best be achieved by the appointment of a special rapporteur, who should participate in the first fact-finding mission and who would provide a means by which the Commission could address, as it must, the human rights situation throughout the territory of the former Yugoslavia. The special rapporteur would also have a vital role in any follow-up and should continue to work with the thematic mechanisms, making recommendations about how to prevent further escalation of violations in

vulnerable areas such as Kosovo province. The special rapporteur should submit an interim report on the situation to the General Assembly and a full report to the Commission at its regular session in 1993. All the reports should be made available to the Security Council.

53. The Commission also had a responsibility to address the issue of protection of the tens of thousands of refugees who were fleeing Bosnia and Herzegovina. It must reaffirm that that was an international crisis which demanded an international response and that Governments should not obstruct asylum-seekers trying to exercise their right to seek protection abroad.

54. Lastly, political settlement of the conflict must contain a strong human rights component. That could include on-site human rights monitoring and measures to reform or strengthen institutions essential for the long-term promotion and protection of human rights, as part of comprehensive post-conflict peace-building measures.

55. Mr. MacPHERSON (Friends World Committee for Consultation) said that his organization, which represented Quakers around the world, was deeply concerned at the situation in the former Yugoslavia. Since ethnic pressures there mirrored processes in other parts of eastern and central Europe and might serve as a forerunner for other conflicts, it was vital that long-term solutions should be found.

56. For over 300 years, Quakers had refused to participate in war, believing it wrong to kill or to train people to kill. Thus his organization was deeply disturbed at the allegations of forcible recruitment into the armed forces in the former Yugoslavia, and appealed to all parties to the conflict to respect Commission on Human Rights resolution 1989/59, which recognized the right to conscientious objection to military service. In the face of massive and grave violations of fundamental human rights, there was of course an urgent need for action by the international community. None the less, his organization vigorously opposed armed intervention, even for humanitarian purposes, which would only lead to an increase in violence and suffering. However, it understood the need for peace-keeping forces under United Nations control, where such forces were employed to limit hostilities, foster negotiations, demilitarize the conflict and make possible the delivery of humanitarian assistance.

57. For some years, Quakers and others had been urging the international community to address the protection needs of internally displaced persons, and he welcomed the attention that matter was now receiving within the United Nations and CSCE. The situation of some 2 million displaced persons in the former Yugoslavia was particularly disturbing. As the United Nations High Commissioner for Refugees had stated in her address to the recent International Meeting on Humanitarian Aid, ethnic relocation seemed to be the goal in the Yugoslav conflict. The ideology of "ethnic cleansing" violated common morality and international law. In view of the plight of displaced persons in the former Yugoslavia and the probability that even larger numbers of internally displaced persons might be forced to seek refuge in neighbouring States, the international community must find ways to tackle the root causes of displacement.

58. The issues surrounding displacement in the former Yugoslavia were very complex, and all competent agencies in the United Nations system should be mobilized. He welcomed the steps already taken to improve the coordination of the United Nations humanitarian programme, but believed there should be a better linkage between the United Nations human rights bodies and the United Nations bodies in charge of humanitarian relief. Referring to a remark by the Secretary-General in his recent analytical report on internally displaced persons, he said the Commission should act as a focal point for more active participation in humanitarian crises by immediately establishing links with United Nations bodies responsible for humanitarian relief.

59. Mr. FERENC (Human Rights Advocates) said that he represented the Democratic Association of Hungarians in Vojvodina, Yugoslavia, and wished to draw the Commission's attention to the drama of the Hungarians in that region. While the Serbian Government claimed that Serbia was not at war, reservists of Hungarian nationality continued to be forcibly mobilized and taken to battlefields in Croatia, where they were often forced to shoot unarmed farmers of Hungarian nationality. Mobilization of the Hungarians seemed to be a convenient way for the Government to force them to emigrate. Over 25,000 Hungarians had emigrated from Vojvodina within a few months, while about 150,000 Serbs had moved in, changing the ethnic composition of the territory, in direct breach of the principles of the United Nations. The Serbian Government had suddenly nationalized large farms, where Hungarian farmers worked, in order to give the land to Serbian settlers through "reprivatization". The ensuing loss of their land would further force the Hungarians to emigrate, as would the new army barracks with heavy weapons being set up in Vojvodina in preparation for possible attacks on Hungarian citizens.

60. Unfortunately, the "ethnic cleansing" of Vojvodina by the Serbian authorities was going unnoticed by the United Nations and other international organizations. The Hungarians in Vojvodina felt that their tragic fate was the responsibility of the Western countries that had given that part of Hungary to Yugoslavia, and they appealed to those countries for protection and for a solution to the situation. They believed that the solution proposed in the European Community - sponsored peacetalks - would bring about an agreement on the problems of the Hungarians, Albanians and others living in the territory of the former Yugoslavia. As a first step, the United Nations observers and peace-keeping forces must stop the "ethnic cleansing" in Vojvodina and prevent a possible attack on non-Serbian citizens by armed groups and military forces.

61. Mr. OMERAGIE (World Islamic League) said that the Muslims of Sandjak in Serbia and Montenegro deplored the grave human rights offences being committed by the Serbian and Montenegran Governments and armies against the non-Serbian population first in Croatia and now in Bosnia and Herzegovina. Serbian aggression in the latter area had already spread to Sandjak, where those armies had deployed occupying forces, extremist armed groups were blowing up the homes and businesses of Muslim citizens daily, and the Serbian and Montenegran authorities were subjecting the Muslim population to an entire range of serious abuses. Thus the Muslims of Sandjak made the following demands: (1) the urgent deployment of United Nations peace-keeping forces in Sandjak to prevent the planned genocide ("ethnic cleansing") of the Muslim

people there; (2) full demilitarization of Sandjak in cooperation with international forces to ensure a lasting peace; (3) the placing of Sandjak under full international protection and control; and (4) non-recognition of the so-called Yugoslav State and its membership of international institutions. That State being a Serbian State, it should reapply for membership of the United Nations and other institutions.

62. Serbia and Montenegro had used the armaments of the State of Yugoslavia, which had ceased to exist as a common State of equal-in-rights south Slav peoples, for their policies of aggression against Bosnia and Herzegovina to achieve the "ethnic cleansing" of that territory and annex it to the Serbian and Montenegran territories under the cover of a so-called Federal Yugoslavia. At the same time, those armed forces were carrying out the complete military occupation of Sandjak with the aim of terrifying the Muslim population and forcing them to leave their homes. Between 5 April and 5 August 1992, 69,000 Muslims had fled Sandjak under Serbian attacks with heavy artillery, as had occurred in Sarajevo. Serbia and Montenegro refused to recognize Sandjak as a nation, despite the fact that until 27 April 1992 it had been considered a constituent nation of the former Yugoslav State. The refusal to admit the existence of Sandjak legally and constitutionally had been expressed in official statements by the highest personalities of the phantom Yugoslavia. Such a State, which refused to recognize Sandjak and called it an "ethnic group" while at the same time planning its destruction as a nation and the "ethnic cleansing" of its people, had no right to represent the interests of Sandjak and its people. In 1991, the Muslims of Sandjak had voted in a referendum for their political autonomy, and they hoped to achieve it without further violence.

63. Mr. RYDER (International Confederation of Free Trade Unions) said that his organization, representing 108 million trade unionists throughout the world, was gravely concerned at the dangerous deterioration of the human rights situation in the former Yugoslavia. In a statement issued on 7 August jointly with the European Trade Union Confederation, ICFTU had expressed its horror at the continuing reports of gross human rights abuses, particularly in Serbian-run detention centres in Bosnia and Herzegovina. It appealed to the international community to take stern action to put an end to the atrocities and called on the authorities in Belgrade to grant international inspectors access to detention camps. Previously, ICFTU had welcomed the deployment of United Nations peace-keeping forces in parts of the former Yugoslavia and urged that the determination shown by the Security Council after the invasion of Kuwait to secure compliance with the Charter of the United Nations should be maintained in other grave cases of violation of international law.

64. Regarding concrete measures to end the violations being committed in the former Yugoslavia, ICFTU supported the appointment of a special rapporteur to investigate the situation. That investigation should focus on the appalling violations reported in connection with the process of "ethnic cleansing" in Bosnia and Herzegovina, i.e. large-scale summary executions, arbitrary detentions and enforced displacements.

65. However, the scope of the human rights problem extended to practically all parts of the territory of the former Yugoslavia. He drew attention to recent reports that Muslims and Croatians in Serbia itself were being

subjected to serious acts of discrimination and intimidation, acts reminiscent of the repression by the Serbian authorities against the majority ethnic-Albanian population of Kosovo since their withdrawal of its autonomous-province status in 1990.

66. In a major representation to the International Labour Organisation, ICFTU had documented discriminatory dismissals of ethnic Albanians in Kosovo against a background of virtual military occupation of Kosovo by Serbia, with the population being subjected to persistent acts of violence, intimidation and arbitrary detention. Thus ICFTU urged the Commission to ensure that its mandates would cover investigation of the human rights situation throughout the territory of the former Yugoslavia and its heterogeneous and multi-cultural population.

67. Mr. LLOYD (International Council of Voluntary Agencies) said that the primary aim of ICVA was to alleviate human suffering among those civilians outside conflict areas who were least able to withstand the effects of those conflicts. In the former Yugoslavia, it was the civilian populations themselves who were the target of the armed forces, and his organization joined others in urging more decisive international action to end "ethnic cleansing" and the violation of those populations' human rights.

68. He hoped that the Special Session would lead to a consensus to appoint a special rapporteur to investigate and report on the situation in a dispassionate and objective manner. If necessary, an augmented staff should be provided to begin work immediately, and the report should be issued quickly and considered as soon as possible by the Security Council with a view to further action. He also hoped there would be a consensus to establish a tribunal to pass judgement on human rights violations by individuals; that would set a valuable precedent in establishing a stronger basis for human rights law throughout the world. He noted that the terms of reference for the special rapporteur's work should be limited to establishing whether there was a persistent record of human rights violations in the former Yugoslavia. Further investigation to identify individuals who had committed abuses should be undertaken by a separate rapporteur or organization.

69. While awaiting the report, the international community should continue to exert pressure aimed at the enforcement of human rights. Initiatives were already under consideration in the Security Council to strengthen the role of the United Nations in safeguarding the delivery of humanitarian aid. The disregard in the former Yugoslavia for the Geneva Conventions and Additional Protocols must cease, and ICRC must be allowed to do its legitimate work in Bosnia.

70. The tragic situation in Bosnia had led UNHCR to initiate a new policy of preventive protection of the civilian population there. Its first such attempt, in Bosanski Novi, had been subverted by the local authorities, and a similar attempt now under way in the Bihacs enclave might well be similarly subverted. In all those instances, local authorities had flouted the humanitarian aims and the principles and work of long-established United Nations agencies, ICRC and non-governmental organizations. Clearly, the parties to the conflict bore principal responsibility for changing their present policies. If the "ethnic cleansing" of Bosnia was not halted, it

could well spread to Kosovo and Macedonia, risking international conflict. If no stand was made on the human rights issues in the conflict, the moral authority of the United Nations and of the European institutions as instruments for the peaceful settlement of disputes would be severely undermined.

71. Ms. SURROI (World University Service) drew the Commission's attention to discrimination and segregation against the ethnic-Albanian population in Kosovo, which had been under occupation by the Serbs since 1990, when a virtual state of emergency had been declared by its Government. Since then the discrimination against the Albanian population had amounted to the institution of a legalized system of apartheid. In the past two years, hundreds of Albanians had been killed and wounded, thousands had been arrested and subjected to torture by the Serbian police and military units, and hundreds of thousands had been denied the entire range of fundamental human rights.

72. Such practices had been introduced in Kosovo before the wars in Croatia and Bosnia, and reflected the Serbian nationalist aim of a "Greater Serbia", to be achieved in Kosovo not through war but through political, social and economic pressure. Kosovo had become two worlds: the segregated Albanians had been forced to create parallel systems, allowing them precarious survival, while the Serbians and Montenegrans enjoyed their colonial rule in a world of violence.

73. The Albanians of Kosovo had expressed their political will during the referendum on its independence and the free parliamentary elections that had been held, and were entitled to self-determination, which they were willing to achieve by peaceful means. However, they had already been far too patient, and the growing hatred between victim and perpetrator would soon lead to a situation in which coexistence was impossible. The Albanians of Kosovo therefore demanded that United Nations peace-keeping forces be sent there and the massacre of the Albanians prevented.

74. Ms. KOULISCHER (International Association of Educators for World Peace) said that her organization endorsed the appointment of a special rapporteur, although it feared it might be too late for that measure to have its full effect. Events had shown that the guilty parties in the conflict in the former Yugoslavia were the Serbs who, since their June 1991 attack on Croatia, had clearly shown the methods and goal of their policy: territorial extension and the denial of frontiers in order to create an "ethnically pure" Serbian State. In the occupied Croatian territories, the Serbs systematically destroyed all evidence of the nations that had lived there, including Croatians, Hungarians, Slovaks and other populations. Its policies of terror, civilian massacres, bombings of hospitals and monuments and destruction of industrial centres had been aimed at ridding Croatian territory of all non-Serbs. The four-month siege of Vukovar by Serbian forces had been a prelude to the tragedy of Sarajevo.

75. At the beginning of the violence, representatives of the Hungarian minority had informed United Nations human rights bodies of their concern, but unfortunately their accounts had been met with disbelief and lack of understanding. A few months later, practically the entire Hungarian minority

of Croatia had had to flee to Hungary, while the Serbian army had razed their villages, homes and churches and any evidence of their existence. Thus one year earlier the Serbian plans to drive non-Serbs out of Croatia had already been evident; the only difference between that situation and the situation in Bosnia had been the extent of the violence.

76. Unfortunately, the international community had few peaceful means of combating such policies. Thus she recommended, first, that the special rapporteur's action should focus on regions where violence might soon erupt and where the presence of United Nations peace-keeping forces might avoid extension of the violence, such as Vojvodina, Sandjak and Kosovo. Secondly, if the international community wished to prevent the genocide of the Muslims and Croatians in Bosnia, it should give them the means to defend themselves. She therefore endorsed the proposal by the representative of Pakistan that Bosnia should be exempted from Security Council resolution 703 (1991) on sanctions. She also endorsed the statement by the representative of the United States concerning the Nazi-like goals of Serbian policy. Thirdly, since Serbia was not recognized as the only successor of the Yugoslav State, it should give up the Yugoslav seat in international forums and reapply as a new State. Fourthly, a tribunal should be set up to prevent crimes against humanity from going unpunished.

77. Her organization warned against the temptation to treat all parties to the conflict in the former Yugoslavia equally: there was one aggressor, the Serbs, while others were defending themselves as best they could. She appealed to the international community to put an end to the Serbian policy of aggression before it spread to the Kosovo, Vojvodina, Sandjak and even further, directly jeopardizing international security.

The meeting rose at 9 p.m.